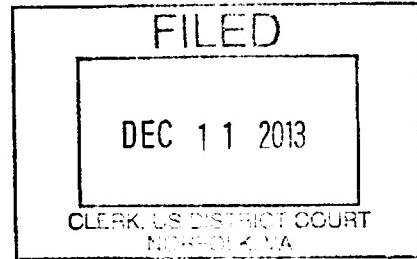


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JERRY ALLEN PHILLIPS,



Plaintiff,

v.

ACTION NO. 2:13cv59

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

Defendant.

ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying the Plaintiff's claim for disability insurance benefits and supplemental security income under the Social Security Act.

On April 17, 2013, this matter was referred to United States Magistrate Judge Lawrence R. Leonard, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b). The Plaintiff filed a Motion to Remand and a Motion for Summary Judgment on May 2, 2013, and the Defendant filed a Motion for Summary Judgment on June 3, 2013. The Report and Recommendation was filed on October 30, 2013. The Magistrate Judge recommended that the Commissioner's decision be affirmed, the Defendant's Motion for Summary

Judgment be granted, and both the Plaintiff's Motion to Remand and the Plaintiff's Motion for Summary Judgment be denied. By copy of the Report and Recommendation, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The Plaintiff's Objections to the Magistrate Judge's Report and Recommendation were filed on November 7, 2013, and the Defendant's Response to the Objections was filed on November 20, 2013.

The court, having examined the Objections and Response to the Objections to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed October 30, 2013. Accordingly, the decision of the Commissioner is **AFFIRMED**; the Defendant's Motion for Summary Judgment is **GRANTED**; the Plaintiff's Motion for Summary Judgment is **DENIED**; and the Plaintiff's Motion to Remand is **DENIED**.

The Clerk shall enter judgment for the Defendant, and forward a copy of this Order to counsel for the parties.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
Chief
United States District Judge



REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

December 11, 2013